

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

AUG 12 2014

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

ERNEST DEWAYNE JONES,

Petitioner - Appellee,

v.

KEVIN CHAPPELL, Warden,

Respondent - Real Party in Interest,

EMERY D. SOOS, Jr.; ROBERT V. JUSTICE,

Appellants.

No. 14-56302

D.C. No. 2:09-cv-02158-CJC
Central District of California,
Los Angeles

ORDER

A review of the record indicates this Court may lack jurisdiction over this appeal because Emery Soos and Robert Justice, non-parties to the district court proceeding below, lack standing to appeal the district court's July 16, 2014 order or its July 25, 2014 judgment. *See Hollingsworth v. Perry*, 133 S.Ct. 2652, 2668 (2013) (ordering Proposition 8 appeal dismissed for lack of jurisdiction because non-parties lack standing to appeal the district court's judgment); *see also In re Leaf Tobacco Board of Trade of N.Y.*, 222 U.S. 578, 581 (1911) ("One who is not a party to a record and judgment is not entitled to appeal therefrom").

By August 26, 2014, non-parties Emery Soos and Robert Justice shall move in this Court for voluntary dismissal of this appeal or explain in writing why the appeal should not be dismissed for lack of jurisdiction due to their lack of standing to appeal. All filings must be served on all parties to the district court proceeding. Failure to comply with this order will result in the automatic dismissal of the appeal. *See* 9th Cir. R. 42-1.

If the non-parties elect to show cause, the parties to the district court proceeding may file simultaneous responses within 10 days after service of the non-parties' response.

FOR THE COURT:

Molly C.Dwyer,
Clerk of Court